

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
Katharine Cue-Fuente
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda October 9, 2018 7:00 P.M.

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Cue-Fuente

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the Council Meeting held on September 25, 2018. (OFFICE OF THE CITY CLERK)
- B. Proposed resolution approving a services agreement with Florida Power Technologies, Inc., for the installation, inspection, and maintenance of batteries, technical support, and incidental battery and parts replacement, for a term commencing on October 1, 2018 through September 30, 2019, in an annual amount not to exceed \$74,406.00; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the services agreement attached hereto and made a part hereof as Exhibit "1". (FIRE DEPT.)
- C. Report of Scrivener's Error – Ordinance No. 2018-085 of the City Council meeting of September 11, 2018 was passed and adopted with the title of the ordinance including the word "Office". The ordinance is being amended to reflect the deletion of the word "Office" as follows:

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL.

Further request to amend section 1 of the ordinance to delete the word "Office" as follows:

Section 1: The future land use map is hereby amended from Low Density Residential to Commercial.

(LAW DEPT.)

- D. Proposed resolution approving a Nowcare Premium Support Agreement between Amano McGann, Inc. and the City of Hialeah to provide software and host computer components maintenance and support; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Nowcare Premium Support

Agreement, for a term of three years, commencing on November 1, 2018 and ending October 31, 2021, in an amount not to exceed \$55,704.00, to be paid in quarterly installments in the amount of \$4,642.00 each, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1", and providing for an effective date. (PURCHASING)

- E. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-1797, issued to G. & R. Electric Corp., for the addition of a new CCTV system for the City Hall gymnasium, by an additional amount of \$7,200, for a new total cumulative amount not to exceed \$37,010. (CONSTRUCTION AND MAINTENANCE DEPT.)
- F. Request permission to issue a purchase order to Replay Systems, Inc., sole source vendor, for the system maintenance of the E911 Center's Active Voice Recording System through October 31, 2019, in a total cumulative amount not to exceed \$38,811.50. (INFORMATION TECHNOLOGY DEPT.)
- G. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Infor Public Sector, Inc., sole source vendor, for the maintenance and support of the Police and Fire Computer Aided Dispatch and Records Management Systems for fiscal year 2018-2019, in a total cumulative amount not to exceed \$306,262.02. (INFORMATION TECHNOLOGY DEPT.)
- H. Proposed resolution approving the expenditure totaling an amount not to exceed fifty thousand six hundred fifty-eight dollars and eighty cents (\$50,658.80) from the Law Enforcement Trust Fund - *State*, to purchase 40 colt rifles and related accessories for the Hialeah Police Department, Lou's Police Distributor, Inc., lowest quote vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- I. Request permission to renew Hialeah Bid No. 2015-16-3130-00-025 - *Carbon Dioxide*, awarded to Carlon Inc. d/b/a Broward Nelson Fountain Service, since it is advantageous to the City in that the vendor will honor the same pricing, for the purchase of carbon dioxide for fiscal year 2018-2019, in a total cumulative amount not to exceed \$15,000. On October 25, 2016 the City Council awarded Hialeah Bid No. 2015-16-3130-00-025 - *Carbon Dioxide*, to this vendor for a period of one (1) year ending on September 30, 2017, with the option to extend the period of the contract for an additional contract period. (DEPT. OF PARKS AND RECREATION)
- J. Request permission to renew the agreement between the City and American Public Life Insurance Company, for gap insurance for eligible employees, retired employees and dependents for calendar year 2019, in an estimated total cumulative amount not to exceed \$1,500,000. (RISK MANAGEMENT)
- K. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to VCA Animal Hospitals, Inc., for health related vaccines, necessary licensing for each animal from Metro Dade County, dental care plan, kenneling, and to maintain the physical health of the police canine dogs during fiscal year 2019, in a total cumulative amount not to exceed \$21,000. (POLICE DEPT.)
- L. Request permission to issue a purchase order to Axon Enterprise, Inc., sole source vendor of Taser less lethal weapon system, to lease one hundred (100) X26P Tasers and related accessories, in a total cumulative amount not to exceed \$26,400. (POLICE DEPT.)

- M.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is the sole source distributor for Speer brand law enforcement ammunition in the State of Florida, and issue a purchase order to Florida Bullet Incorporated, to purchase ammunition, in a total cumulative amount not to exceed \$30,000. (POLICE DEPT.)
- N.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor continues to be the only local company that can offer all the necessities such as police uniforms and equipment all in one place, and issue a purchase order to Lou's Police Distributors, Inc., to pay for police uniforms and related accessories for fiscal year 2018-2019, in a total cumulative amount not to exceed \$210,000. (POLICE DEPT.)
- O.** Request permission to issue a purchase order to West Publishing Corporation, sole source vendor for this service, for the investigative tool called CLEAR Investigator which saves countless man hours in investigative leg work in locating and linking victims, witnesses and subjects, in a total cumulative amount not to exceed \$21,986.04. (POLICE DEPT.)
- P.** Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has extensive knowledge and history with the subject programs, and issue a purchase order to Lagvnes Software Solutions LLC, for the continued support, maintenance, development and modification of the core City programs, in a total cumulative amount not to exceed \$25,000. (INFORMATION TECHNOLOGY DEPT.)
- Q.** Request permission to renew the Professional Services Agreement with ADF Consulting, LLC, for a period of one year, commencing on October 1, 2018 and ending on September 30, 2019, for governmental affairs consulting, in a total cumulative amount not to exceed \$45,000, inclusive of registration fees, costs and expenses, payable in equal monthly installments. (OFFICE OF THE MAYOR)
- R.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Marketing Resources and Management, Inc. d/b/a Atlantic Bus Sales, to purchase one (1) 2011 Glaval Entourage Ford F-550 (24 passenger with 2 wheelchairs), in a total cumulative amount not to exceed \$48,000. (OFFICE OF THE MAYOR)
- S.** Report of Scrivener's Error – Ordinance No. 2018-014 of the City Council meeting of February 13, 2018 was passed and adopted to allow for the construction of a duplex on two substandard lots, when it should have read for three substandard lots. The title of the ordinance is being amended to delete the word "Two" and replace it with the word "Three" as follows:

ORDINANCE REZONING PROPERTY FROM R-1 (ONE FAMILY DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT); AND GRANTING A VARIANCE PERMIT TO ALLOW THE CONSTRUCTION OF A DUPLEX ON THREE SUBSTANDARD LOTS...

Further request to amend section 1 of the ordinance to delete the word "Two" and replace it with the word "Three: as follows:

Section 1: The below-described property is hereby rezoned from R-1 (one family district) to R-2 (one and two family residential district); and is granted a variance permit on three substandard lots to allow the construction of a duplex on three substandard lots...

(LAW DEPT.)

- T. Request permission to issue a permit to Immaculate Conception Catholic Church, located at 4497 West 1 Avenue, Hialeah, Florida, to host a carnival on church grounds from Thursday, November 8, 2018 through Sunday, November 11, 2018, subject to recommendations from the Police Department and Fire Department. *(Pending recommendations from the Police Department)* (OFFICE OF THE CITY CLERK)

3. ADMINISTRATIVE ITEMS

- 3A. Second reading and public hearing of proposed ordinance accepting the dedication of land improved with a lift station of approximately 3,575 square feet or .082 acres in area, subject to and approving the terms of the special warranty deed attached as Exhibit "1", from Countyline I LLC, a Delaware limited liability company; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

<i>Item was approved on first reading by the City Council on September 25, 2018.</i>
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- 3B. First reading of proposed ordinance approving a partial release and modification, in the form attached as Exhibit "1", from the Declaration of Use and Covenant-in Lieu of Unity of Title recorded on November 16, 2017, in Official Records Book 30758, at Page 3898, binding upon the property located at 445 East 25th Street, Hialeah, Florida; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ZONING)
- 3C. First reading of proposed ordinance approving the third renewal of a ground lease with CCTM2, LLC, a Delaware limited liability company, to lease a site located at O'Quinn Park, 6051 West 2 Avenue, Hialeah, Florida, to use a wireless communications facility on a 100-foot high monopole tower for a term of five years, beginning on April 30, 2017 and ending on April 30, 2022 for a base annual rent of \$57,011.33 for the first year of the renewal period, with an annual increase of 5% each year, together with such rights and duties as more fully described in the ground lease, and granting non-exclusive access for ingress, egress and utilities in connection with the continued operation and maintenance of the communications tower; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

4. BOARD APPOINTMENTS

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance rezoning property from GU (Interim District Miami-Dade County Zoning Designation) to MH (Industrial District). **Property located at 14450 NW 102 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on September 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Gonzalez Property Investments LTD., 9390 NW 109th Street, Medley, Florida 33178 and G Property Group Inc., P.O. Box 126370 Hialeah, FL 33012</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 7600 West 20th Avenue, #220, Hialeah, Florida. 33016.</i>
<i>Item was approved on first reading by the City Council on September 25, 2018.</i>

PZ 2. Second reading and public hearing of proposed ordinance to allow the development of an adult day care center and pharmacy in an existing industrial building; and granting a variance permit to allow 45 parking spaces, where 121 parking spaces are required; allow a rear setback of 0 feet, where 2.7 feet are required; and allow 9% pervious area, where 18% is required; contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph (E) Table A, Commercial; and contra to Hialeah Code of Ordinances §§ 98-2189(7), and 98-1372. Property zoned M-1 (Industrial District). **Property located at 75, 91, and 95 West 21 Streets, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on September 12, 2018.</i>
<i>Planner's Recommendation: Approval with Declaration of Restrictive Covenants limiting operations and number of employees as proffered.</i>
<i>Owner of the Property: Arsenio Viera, 1832 NW 21st Street, Miami, Florida. 33142.</i>
<i>Registered Lobbyist: Ceasar Mestre, 7600 West 20th Avenue, #220, Hialeah, Florida. 33016.</i>
<i>Item was approved on first reading by the City Council on September 25, 2018.</i>

PZ 3. Second reading and public hearing of proposed ordinance granting a variance permit to allow construction of a single family residence on substandard lots (lots 12 and 13) having a width of 40 feet, where 75 feet are required; a front setback of 20 feet for lot 12 and 20.4 feet for lot 13, where 30 feet is the minimum required; and an area of 5,480 square feet, where 7,500 square feet are required; all contra to Hialeah Code of Ordinances §§ 98-499 and 98-348(a). Property zoned R-1 (One Family District). **Property located at 680 East 36 Street, Hialeah Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on September 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Fernando Hernandez, 680 East 36th Street, Hialeah, Florida 33013.</i>
<i>Registered Lobbyist: Anthony Escarra, Esq. 16400 NW 59th Avenue, Miami Lakes, Florida. 33014.</i>
<i>Item was approved on first reading by the City Council on September 25, 2018.</i>

PZ 4. Second reading and public hearing of proposed ordinance granting a variance permit to allow a pervious area of 9% where 18% is required; and waiving the requirements for trees and for landscape islands every ten parking spaces due to physical constraints; contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph (D)(8) Landscaped Areas in Parking Lots and Paragraph (E) Tree and Lawn Requirements by Zoning Classification, Table A. **Property located at 1625 West 49 Street, Hialeah, Florida**, zoned C-2 (Liberal Retail Commercial District); Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on September 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Seritage SRC Finance, LLC</i>
<i>Registered Lobbyist: Peter R. Gallo, PE, 1975 NW 126th Drive, Coral Springs, Florida.</i>
<i>Item was approved on first reading by the City Council on September 25, 2018.</i>

PZ 5. Second reading and public hearing of proposed ordinance extending through October 9, 2019, the Special Use Permit (SUP) of a prefabricated building as a temporary sorting facility for the loading and unloading, sorting and distribution of mail packages; which use was extended and is operating through the extension granted and ending November 2, 2018 pursuant to Ordinance No. 2018-16; on property zoned M-1 (Industrial District). **Property located at 6001 East 8 Avenue, Hialeah Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on September 12, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: United Parcel Service Inc., 6001 East 8th Avenue, Hialeah, Florida.</i>
<i>Registered Lobbyist: Rick Garcia, 8901 Atlantic Avenue, Orlando, Florida. 32824.</i>
<i>Item was approved on first reading by the City Council on September 25, 2018.</i>

PZ 6. First reading of proposed ordinance rezoning property from R-1 (One Family District) to C-2 (Liberal Retail Commercial District) and to P (Parking District); and granting a

variance permit to allow a front setback of 4 feet, where 20 feet is the minimum required; and allow 22 parking spaces where, 37 parking spaces are required; all contra to Hialeah Code of Ordinances §§ 98-1115, 98-1069(a), and 98-2189(7); **property zoned R-1 (One Family District) located At 802 and 814 East 24 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on September 26, 2018.</i>
<i>Planner's Recommendation: Approve rezoning from R-1 and SUP and R-1 to C-1 and P and approve parking variance with recommended conditions.</i>
<i>Owners of the Property: Daniel Abreu and Grisel Abreu, 14011 SW 20 Street, Miami, FL 33175</i>

- PZ 7.** First reading of proposed ordinance granting a variance permit to allow 654 parking spaces where 863 spaces are required contra to Hialeah Code of Ordinances § 98-2189(16)(a); property zoned CR (Commercial Residential District). **Property located at 435 Hialeah Drive, Hialeah, Florida** previously granted a special use permit pursuant to Hialeah Fla., Ordinance No. 2015-47 that allowed a mixed use development; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on September 26, 2018.</i>
<i>Planner's Recommendation: Approve subject to parking management plan.</i>
<i>Owner of the Property: Masuud Shojae (Shoma Retail), 29 Sevilla Avenue, Suite 360, Coral Gables 33134.</i>
<i>Registered Lobbyist: Felix Lasarte, 3250 NE 1st Avenue, Suite 334, Miami, Florida.</i>

- PZ 8.** First reading of proposed ordinance granting a variance permit to allow a waiver of the minimum landscape requirements for trees; contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph (C) Trees. **Property located at 1000 SE 8 Street, Hialeah, Florida** zoned M-1 (Industrial District); repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on September 26, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Meuchadim of Florida LP, 6100 Hollywood Blvd., Suite 709, Hollywood, Florida 33014.</i>

FINAL DECISION

- FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, Decision No. 2018-08 that granted an adjustment on the property located at **180 SE 9 Avenue, Hialeah Florida**; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on September 12, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: Carmen Oroceno & Eduardo Dacal, 180 SE 9th Avenue, Hialeah, Florida 33010.</i>

LAND USE

- LU 1.** ~~First reading of proposed ordinance amending the Future Land Use Map from Low Density Residential Office and Commercial to Major Institutions. Property located at 374, 398, 400 East 12 Street, Hialeah, Florida, zoned R-2 (One and Two Family Residential District) and B-1 (Highly Restricted Retail District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.~~ **WITHDRAWN BY APPLICANT'S REPRESENTATIVE.**

<i>Item was approved by the Planning and Zoning Board on August 8, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Rincon De San Lazaro Inc. 1190 East 4th Avenue, Hialeah, Florida 33130.</i>
<i>Registered Lobbyist: Maria A. Gralia, Esq., 150 West Flagler Street, Suite 2200, Miami, Florida 33130.</i>
<i>Item was tabled by the City Council on August 28th 2018 until September 11, 2018.</i>
<i>Applicant requested that Item remain on table until the City Council Meeting of October 9, 2018.</i>

- LU 2.** First reading of proposed ordinance amending Chapter 98 entitled "Zoning" Article V. "Zoning District Regulations", Division 26 "TOD Transit Oriented Development District" and in particular amending Section 98-1550 entitled "Hialeah Market Station Subdistrict", of the Code of Ordinances of the City of Hialeah, by extending the eastern boundary of the **TOD Market Station Subdistrict** from the CSX Railroad Tracks to NW 37 Avenue; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date.

NEXT CITY COUNCIL MEETING: Tuesday, October 23, 2018 at 7:00 p.m.

10/5/2018 4:51 PM

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, November 27, 2018
at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).